



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

California State Office  
2800 Cottage Way, Room W1834  
Sacramento, CA 95825-1886  
[www.ca.blm.gov](http://www.ca.blm.gov)



March 19, 2001

In Reply Refer To:

1790, 8364(P)

CA-930

EMS Transmission : 03/19/01

Instruction Memorandum No. **CA-2001-030**

Expires 9/30/02

To: DM, CDD

From: State Director

Subject: Center for Biodiversity (CBD) Stipulation Implementation: NEPA Compliance, Public Review, Notification and Process to Clear Associated Lawsuit Documents with WO

We now have five settlement agreements with the CBD lawsuit plaintiffs. The agreements require a large number of actions to be taken by our Field Offices. The WO as well as the solicitors in Sacramento and Washington will be involved in the review of these actions before they are released to the public.

This purpose of this memorandum is two-fold and is divided into two sections:

1. Provides guidance for implementation of the CBD lawsuit settlement stipulations and has been developed to assure the implementation processes are consistent with the direction made by the Court. This procedure will ensure that BLM is in compliance with all applicable federal statutes and regulations, including consistency, and BLM California NEPA compliance including affording appropriate public notification procedures for BLM actions.
  - A. Complete an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), if appropriate, for a 30-day public review. Use standard methods for public notification of EA and FONSI availability (see H-1790-1 - National Environmental Policy Act Handbook, 10/25/88, p. IV-6).

The EA will include a discussion of implementation. ESA Section 7 consultation will be initiated where required. In preparation for these and other consultations that may be required, the appropriate U.S. Fish & Wildlife Service field offices should be contacted and apprized of the potential workload.

A minimum of two alternatives-- the stipulation and no action alternatives--will be analyzed in the EA for closures as well as other BLM implementation actions.

Cumulative impacts must also be assessed in the EA. For greater efficiency and more effective analysis, multiple actions should be grouped and analyzed together.

- B. In addition to this guidance, we suggest developing a background section to be included in each EA addressing the CBC Lawsuit, settlement and implementing actions to assist the public in fully understanding what we are doing and why. Jack Mills, Dianna Brink and the Regional Solicitors Office are available to work with you to complete the background section.
- C. For those actions requiring Federal Register (FR) notices, notice of proposed rules will be issued simultaneously with the release of the EA and FONSI. Not all actions require FR notices. Check program-specific guidance and regulation to determine if FR notifications are required.

In the case of proposed road closures, the notice will stipulate that the closure will be effective 30-days from the date of publication of the notice. The notice will cite 8364.1 authorities; include the time period of closure pursuant to the stipulations; and a statement of the reasons for closure.

- D. Current delegation of authority will be followed for decisions.
  - E. To assure more effective support from the State Office and Regional Solicitor's Office, please notify Jack Mills or Dianna Brink (CA 930) as actions are made available for public review.
  - F. At the conclusion of a 30-day public review period the final rule (where FR notices are required) and decision will be completed. Appeal procedures will be explained. A Decision Record will be issued and the action implemented. Separate FR 30-day notice from EA public review period.
2. Provides our CA/WO process to clear these actions which are related to the CBD lawsuit. These actions include Federal Register notices, press releases, issue paper, National Environmental Policy Act (NEPA) assessments and statements, and decision documents.
- A. Field Office sends "package" (federal register notice, press release, NEPA document and issue paper) to Desert District Manager for review and approval. All documents will be e-mailed to Dianna Brink.
  - B. District Manager forwards the "package" to the Deputy State Director (DSD), Natural Resources for review (Attn: Dianna Brink).
  - C. DSD for Resources sends "package" to Regional Solicitor Office (Erica Niebauer) for review.

- D. Regional Solicitor returns “package” to DSD for Resources.
- E. DSD for Resources will brief the State Director (CD) and coordinate with Program Leads and External Affairs as appropriate.
- F. DSD for Resources sends “package” to BLM-Washington Planning Office. All documents will be emailed to the WO.
- G. BLM-Washington Planning Office coordinates with BLM Federal Register contact (Mike Schwartz), Department Officials, and WO Solicitor. (FR notices will be sent to the WO in WordPerfect format on disk.)
- H. BLM-WO notifies SO that “package” approved and sent to Federal Register.

Should you have any questions or require additional information, please contact Dianna or Jack at (916) 978-4645 or 4636, respectively.

**Signed By:**  
**Mike Pool**  
**State Director**

**Authenticated By:**  
**Alex Lopez**  
**Records Management**